

REMARKSI. Introduction

In response to the Office Action dated December 3, 2003, claims 6-7, 21-22, and 36-37 have been cancelled, claims 1-5, 16-20, and 31-35 have been amended, and claims 46-52 have been added. Claims 1-5, 8-20, 23-35, and 38-52 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-2, 4-17, 19-32, and 34-45 were rejected under 35 U.S.C. §102(e) as being anticipated by Nel, U.S. Patent No. 6,363,364 (Nel). In paragraphs (3)-(5) of the Office Action, claims 1, 18, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nel.

As amended, the independent claims provide for the initialization of a subscription television service. As claimed, a receiver is used to display a purchase screen on a presentation device (e.g., a television) when the purchase screen is activated by a user. The receiver is also configured to receive and display broadcast signals on the presentation device. The user may then enter purchase information into the purchase screen. The amended claims provide that the purchase information identifies an initial television subscription service for an initial activation of the receiver and a television programming package for the receiver. The purchase information is then forwarded, through a secure connection, to a vendor. The vendor transmits a confirmation number and authorization for the initial activation back to the receiver. In response, the receiver allows/permits the display of the subscription television service. All of these interactions are conducted automatically without direct interaction with a phone operator or physical person of the vendor (see new dependent claims 46-48).

In addition to the above, dependent claims provide the ability to view the history for purchase information. Further, the dependent claims provide that the purchase information also specifies credit card information and the vendor is a credit card company. In this regard, new independent claim 49 further specifies that the purchase information is a credit card and a good or service.

The above limitations provide the unique ability to order goods/services through a purchase screen displayed on a television screen. The user merely enters the credit card information in the purchase screen and the good/service may be ordered. Further, the use of the credit card information provides substantial flexibility since most users have credit cards. Additionally, the user of a television subscription service (e.g., satellite television broadcasting service) may perform the initial activation of a service without communicating directly with the pay-TV service provider. Thus, the pay-TV personnel required to conduct such processing are not needed. Further, the pay-TV service provider does not need to "float" the money until the customer pays or cover expenses for non-payment of services by the customer.

In view of the above, various rejections are relevant.

Claims 1, 16, and 31 were rejected as follows:

Claims 1, 16, and 31: Nel discloses:

- activating, in a receiver connected to a presentation device, a purchase screen having at least one field (col. 2 line 66 – col. 4 line 23),
- receive broadcast signals through an input mechanism (col. 3 lines 3-11); and
- enable the presentation device to display the broadcast signals (col. 3 lines 3-11);
- the activation enabling the purchase screen to be displayed on the presentation device (col. 2 line 66 – col. 4 line 23);
- receiving purchase information in the at least one field into the receiver from a user (col. 4 lines 16-23);
- establishing a secure electronic connection, using a communication mechanism of the receiver that is different from the input mechanism, with a vendor (col. 3 lines 41-57);
- electronically transmitting the purchase information from the receiver through the secure electronic connection to the vendor (col. 3 lines 41-51; col. 4 lines 4-15); and
- receiving a confirmation number from the vendor into the receiver (col. 3 lines 52-57).

In addition, claims 6-7, 21-22, and 36-37 were rejected as follows:

Claims 6, 21, 36: Nel discloses the service is for television programming (col. 5, line 48-col. 6, line 38).

Claims 7, 22, 37: Nel discloses the service is for an activation of a television programming package (col. 5, line 48-col. 6 line 38).

Further, claims 3, 18, and 33 were rejected as follows:

Claims 3, 18, 33: Nel does not explicitly disclose the purchase information comprising a type of credit card; a credit card number; and an expiration date. However, Nel does disclose a smart card (a type of card that provides the functionality and characteristics of a credit card, and additionally other desirable characteristics/capabilities)(col. 4 line 59- col. 5 line 43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Nel to explicitly include a type of credit card; a credit card number; and an expiration date, as disclosed by Nel, for the motivation of making a purchase.

Claims 13, 28, and 43 were rejected as follows:

Claims 13, 28, 43: Nel does not explicitly disclose the vendor is a credit card company. However, Nel does disclose a system including:

- a computer network of at least one vendor (Abstract);
- Financial transactions could include banking transactions such as balance requests, funds transfer transactions, electronic account payment transactions and purchase transactions with vendors and/or service providers connected to the network (col. 1 lines 45-49);
- a system for performing a commercial transaction or function through a vendor network for accessing a product or service that may be held at a vendor database (fig. 5 [120, 122, 134, 134, 136]);
- Also linked to said computer network may include financial institution 137 for example a bank and a service provider 138. Furthermore a storage device reader and/or writer for example a smart card reader 124 internally to the decoder (not shown) or externally connected via a communications port such as a RS232 port may allow for payment or uploading and downloading of funds onto a smart card. Of course the vendor and the financial institution may be the same institution. The second account may be held by a vendor or service provider or third party at the financial institution to allow bill payments or for real time accounting and payment of users selected products of 15; services. The smart card may in conjunction with the PIN be used for user identification and the encryption and decryption communicated from the financial institution or vendor to the smart card and vice versa. (col. 6 lines 3-19).

Additionally, a smart card is disclosed by Nel in the above disclosure, which is "a type of credit card", as claimed by applicant. Therefore, the disclosure encompasses applicant's claimed inventive aspect of a vendor is a credit card company.

Claims 12, 27, and 42 were rejected as follows:

Claims 12, 27, 42: Nel does not explicitly disclose storing the confirmation number into a purchase history screen in the receiver that allows a customer to view the purchase information. Nel does disclose confirmation of the selected instruction, data requested and account balances are visually displayed in real time on the monitor (col. 3 lines 52-57).

Applicants traverse the above rejections for one or more of the following reasons:

- (1) Nel fails to teach, disclose or suggest the initial activation of a subscription television service;
- (2) Nel fails to teach, disclose or suggest the automated initial activation of a subscription television service without interaction with vendor personnel;
- (3) Nel fails to teach, disclose or suggest the use of a credit card or conducting a credit card transaction; and
- (3) Nel fails to teach, disclose or suggest displaying a history of purchases.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

Nel merely discloses and claims a system for and a method of performing interactive data exchange, for example as part of a financial transaction, between a user base and a remote network. The system includes a request data input device 20. A telephone network 22 is connected to the

device for transmitting the request data to the network 28. At the user base there is also provided a receiver for receiving response signals from the network and which signals include encoded response data. A signal decoder 14 is provided at the user base to decode the response data. A display 12 displays the response data interactively with the request data. (See Abstract).

However, Nel lacks any discussion about the initial activation of a television subscription service. As stated in the background of the present invention, in the prior art, to activate a television subscription service, the customer must call the pay-TV service provider where a series of questions are answered and the customer selects a subscription package. Nel falls within the scope of this prior art. Specifically, there is no capability or description in Nel to perform the initial activation of a pay-TV service or a receiver unit. The amended claims, in providing this capability, provide significant advantages including the ability for automated activation without a direct communication between a customer and personnel from the pay-TV service.

While Nel does provide for a service such as a broadcast channel and item (e.g., movie or documentary program vendible from a broadcasting system) (see col. 6, lines 22-24), Nel fails to provide for the initial activation of a service. Nel completely fails to mention, describe, or suggest, implicitly or explicitly, the initial activation of a receiver or pay-TV service. In this regard, Nel may rely upon the already established relationship between a customer and a broadcaster to offer the additional broadcast channel item. The initial activation of receiver and a new service on the receiver is not even contemplated by Nel.

In addition to the above, the claims provide for storing the confirmation number into a purchase history screen in the receiver that allows a customer to view the purchase information. The Office Action admits that Nel fails to disclose such a purchase history screen. Instead, the rejection relies upon confirmation of a selected instruction and the ability to display data requested and account balances in real time. However, Applicants note that the ability to display data requested and account balances is not similar to, nor does it suggest, the storage of a confirmation number into a purchase history screen that a user may view to examine prior purchases. The purchase history screen is a useful option that provides flexibility and auditing capability to the user. The user may view all purchases made through the receiver. Further, the confirmation number and purchase info is stored on the receiver – something not even remotely suggested by Nel.

The dependent claims and new independent claim provide for the use of credit card information with the receiver. The Office Action admits that Nel does not explicitly disclose purchase information comprising a credit card. Instead, the Office Action relies on obviousness and the use of a smart card to teach the invention. However, Applicants note that there are significant differences between a smart card and credit card. Namely, as illustrated in Figure 4 of Nel, the smart card reader 103 is needed to process a smart card. Accordingly, to provide payment or conduct the processing disclosed in Nel, a smart card reader is needed to accept the physical smart card and process it accordingly. In this regard, the claims merely provide for inputting credit card information into the purchase screen (along with a desired good or service). Accordingly, instead of using a smart card reader, the user merely needs to input a number, type of credit card (e.g., Visa, Mastercard, American Express, etc.), and expiration date in order to conduct the processing.

In addition to the above, most users are comfortable using credit cards and entering credit card information. However, the number of smart card users are minimal and the functionality and knowledge required for using a smart card is substantial (compared to that of a credit card). In view of the above, Applicants submit that the use of a smart card and the equipment and knowledge required to use a smart card are clearly distinguishable from and fail to teach or suggest, implicitly or explicitly, the use of a credit card as claimed.

The new dependent claims also provide additional limitations for processing and using the credit card. For example, claim 48 provides for the credit card company notifying a service provider of the credit card transaction so that the service provider (e.g., a pay-TV provider) may provide the good or service to the user.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Nel. In addition, Applicants' invention solves problems not recognized by Nel.

Thus, Applicants submit that independent claims 1, 16, 31, and 49 are allowable over Nel. Further, dependent claims 2-5, 8-15, 17-20, 23-30, 32-35, 38-48, and 50-52 are submitted to be allowable over Nel in the same manner, because they are dependent on independent claims 1, 16, 31, and 49, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-5, 8-15, 17-20, 23-30, 32-35, 38-48, and 50-52 recite additional novel elements not shown by Nel.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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